HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.19775 OF 1994

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Between:

The General Manager,
Singareni Collieries Co. Ltd.,
Mandamarri, Kalyanikhani PO,
Adilabad District,
Andhra Pradesh

……Petitioner

And

The Industrial Tribunal-I,
Chandra Vihar, M.J. Road,
Hyderabad, represented by its
Presiding Officer and another

……Respondents

:: ORDER ::

Counsel for the Petitioner : Ms. Uma Devi
for
Shri K.Srinivasamurthy

Counsel for Respondent No 2 : Shri G.Vidyasagar

Dated: 19-09-2006

This petition is directed against award dated 25-01-1994 passed in I.D.No.61 of 1989 vide which the Industrial Tribunal–I, Hyderabad (for short 'the Tribunal') declared the so-called termination of the services of Shri S.Bhumaiah, Picking Mazdoor, K.K.I.C.S.P (hereinafter described as, 'the workman') as unjustified and ordered his reinstatement with back wages.

After the arguments were heard at some length, Ms. Uma Devi, learned counsel for the petitioner, on the basis of instructions given to her by the Management of Singareni Collieries Company Limited, made a statement that her client is ready to give all retrial benefits by taking into consideration his period of service up to the date of superannuation determined in terms of the impugned award, provided that he foregoes back wages.

Shri G.Vidyasagar, learned counsel for the workman says that his client is ready to forego the back wages payable to him in terms of the award passed by the Tribunal.

In view of the statements made by the learned counsel for the parties, the award impugned is modified in the following terms:

1) The workman-Shri S.Bhumaiah (Picking Mazdoor) shall be deemed to have notionally continued in the service of the company up to 01-02-1993.

2) The workman shall not be entitled to back wages for the period between 01-02-1988 to 31-01-1993.

3) The management of the company shall pay all retrial benefits to the workman on the assumption that he had continued in service up to 31-01-1993.

4) The amount payable by the workman in terms of this agreed resolution of the dispute shall be paid to him within a period of three months.

The writ petition is disposed of in the manner indicated above.

G.S. SINGHVI, CJ

19-09-2006

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Note: The Court Officer is directed to give attested copies of this order to the counsel for the parties.

B/O